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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,553	09/19/2003	Steven Harold Slupsky	THOLAM P212US	5546

20210 7590 04/13/2004

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MANCHESTER, NH 03101-1151

EXAMINER
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NGUYEN, JIMMY

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,553	SLUPSKY, STEVEN HAROLD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jimmy Nguyen	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0404</u> .                                                                | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 - 9, drawn to a non-contact tester for electronic circuits, classified in class 324, subclass 765.
- II. Claims 10 - 16, drawn to a method of testing for electronic circuits, classified in class 324, subclass 754.

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the method of testing electronic circuit can be used with a different non – testing device such as a non-contact probe testing system.

3. During a telephone conversation with Mr Michael J Bujold on 3/31/04 a provisional election was made with traverse to prosecute the invention of I, claims 1 - 9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10 - 16 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Information Disclosure Statement***

There are two foreign patent documents (2003/0042602A1 and 2003/0146771A1) list in US section. The examiner is hereby make the correction.

4. The information disclosure statement filed 2/19/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed on 9/19/03. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuttle (US 6161205).

**As to claim 1**, Tuttle discloses (figs 1 – 3) a non-contact tester for electronic circuits, comprising in combination:

an electronic circuit (12) which includes at least one wireless i/o cell (80) and means (102, 104) for sending (104) and receiving (102) signals via the at least one wireless i/o cell (80); and

an independent scanning head (20, interrogator unit) having at least one wireless i/o cell (40) compatible with the at least one wireless i/o cell (80) on the electronic circuit (12), such that data may be exchanged (the power can be transferred from the interrogator unit to IC 12) with the electronic circuit (12) to confirm proper functioning (to see that the IC 12 has the ability to receive the power) of the electronic circuit (12).

**As to claim 2**, Tuttle discloses (figs 1 – 3) a non-contact tester for electronic circuits as defined in claim 1 wherein a different circuit (plurality of circuits provided in those cells such as antenna, amplifier, oscillator, encoder, etc...) is provided for each of the at least one i/o cells to be tested (80, 102, 104).

**As to claim 3**, Tuttle discloses (figs 1 – 3) a non-contact tester for electronic circuits as defined in claim 1 wherein the non-contact tester has a plurality of contact points (40, 52, 54) which are adapted to correspond in a one to one relationship with a plurality of contact points ( 80, 102, 104) provided on the electronic circuit (12) being tested.

**As to claim 4**, Tuttle discloses (figs 1 – 3) a non-contact tester for electronic circuits as defined in claim 1 wherein the means for sending (104) and receiving (102) signals via the at least one wireless i/o cell is a radio frequency interface (100, test interface circuit).

**As to claim 5**, Tuttle discloses (figs 1 – 3) a non-contact tester for electronic circuits as defined in claim 4 wherein the radio frequency interface (100, test interface) includes at least one transmitter (104) and at least one receiver (102).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle (US 6161205) in view of White et al (US 6331782).

**As to claim 6**, Tuttle discloses (figs 1 –3) a non contact tester for electronic circuits with all the limitation of an electronic circuit and an independent scanning head as explained in claim 1 above. However, Tuttle is silent on the

means for sending and receiving signals via the at least one wireless i/o cell is an optical interface.

On the other hand, White et al teach the means for sending (from the test circuit 70, column 5 line 34 – 42) and receiving (54) signals via the at least one wireless i/o cell (those wireless probe 50 that contain the receiver 54, fig 6, and the IC with the circuit 70, fig 5) is an optical interface (column 5 line 34 – 42, the optical interface includes the optical generator 70 and optical receiver 54).

It would have been obvious to one having an ordinary skill in the art at the time of the invention was made to use the optical interface of White et al within the Tuttle's system for the benefit of transmitting a high frequency signal to the testing electronic devices.

**As to claim 7**, White et al disclose the optical interface (column 5 line 34 – 42, the optical interface includes the optical generator 70 and optical receiver 54) includes at least one light emitters (column 5 line 34 – 39) and at least one light receptor (54).

**As to claim 8**, Tuttle discloses (figs 1 – 3) a non contact tester for electronic circuits with all the limitation of an electronic circuit and an independent scanning head as explained in claim 1 above. However, Tuttle is silent on the means for sending and receiving signals via the at least one wireless i/o cell is an magnetic interface.

On the other hand, White et al teach the means for sending (from the test circuit 70, column 5 line 7-14 ) and receiving (54) signals via the at least one wireless i/o cell (those wireless probe 50 that contain the receiver 54, fig 6, and the IC with the circuit 70, fig 5) is an magnetic interface (column 5 line 7 -33 the magnetic interface includes the test circuit portion 70 emitted electromagnetic radiation and magnetic receiver 54).

It would have been obvious to one having an ordinary skill in the art at the time of the invention was made to use the optical interface of White et al within the Tuttle's system for the benefit of avoiding the static during the testing process.

**As to claim 9**, White et al disclose the non contact tester for electronic circuits wherein the magnetic interface includes a magnetic detector (54) and a magnetic generator (test circuit 70, column 5 line 7- 14,)

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen at (703) 306-5858. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.



JN.  
April 1 2004